

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

* * *

KIMBERLY HILL,

Plaintiff,

vs.

CASE NO. 3:17-CV-00334

CITY OF DAYTON POLICE

DEPARTMENT, et al.,

Defendants.

* * *

Deposition of ROBERT JOSEPH RIKE,
Witness herein, called by the Plaintiff for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Stacey L. Kimmel, a
Notary Public in and for the State of Ohio, at the
City of Dayton, Law Department, 101 West Third
Street, Dayton, Ohio, on Wednesday, March 27,
2019, at 1:36 o'clock p.m.

* * *

1	EXAMINATIONS CONDUCTED	2 PAGE
2	BY MS. BROWN:.....	4
3		
4	EXHIBITS MARKED	
5	(Thereupon, Plaintiff's Exhibit 2, a	
6	copy of an interview, was marked for	
7	purposes of identification.).....	26
8	(Thereupon, Plaintiff's Exhibit 3, a	
9	copy of an e-mail, was marked for	
10	purposes of identification.).....	66
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1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Walton & Brown, LLP

4 By: Chanda L. Brown
Attorney at Law
5 395 East Broad Street
Suite 200
6 Columbus, Ohio 43215

7 On behalf of the Defendants:

8 City of Dayton, Ohio

9 By: Leonard J. Bazalak
Attorney at Law
10 101 West Third Street
Dayton, Ohio 45401

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1 ROBERT JOSEPH RIKE
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

6 BY MS. BROWN:

7 Q. Hello.

8 A. Hi.

9 Q. My name's Chanda Brown. I'm an
10 attorney. I represent Kimberly Hill. Could
11 you please state your full name.

12 A. Robert Joseph Rike, R I K E.

13 Q. Okay. And your business address?

14 A. 335 West Third Street, Dayton, 02,
15 45402.

16 Q. Okay. And have you ever had your
17 deposition taken before?

18 A. I do not believe I have.

19 Q. Okay. Well, I promise to try not
20 to make it too painful for you.

21 A. Thank you.

22 Q. You know, it goes where it goes.
23 What's your current occupation?

24 A. I'm a Dayton Police sergeant.

25 Q. Okay. And how long have you been

1 a sergeant?

2 A. I have been a sergeant for -- I
3 believe it will be 17 years June or July.

4 Q. Okay. And how long have you been
5 with the Dayton Police?

6 A. I have been with the City for 27
7 years. I will be a sworn officer 27 years this
8 May.

9 Q. Okay. So you started with the
10 City as a --

11 A. A recruit, a recruit, yes, ma'am.

12 Q. And before you became an officer
13 or a recruit, tell me about your employment
14 history like prior to --

15 A. Prior to being a police officer?

16 Q. Yes.

17 A. I was in the United States Navy
18 from '86 till my active duty ended in '89. I
19 was in the reserves until '92. After that I
20 took a -- I took a little time off and then I
21 worked at the Dayton International Airport as
22 airport security until I got into the academy
23 in December of '91.

24 Q. Okay. And tell me a little bit
25 about the places or different positions you've

1 had within the City of Dayton as an officer or
2 sergeant.

3 A. Well, I'll just go through my
4 history. When I came out of the academy in
5 '92, I was a patrol officer in the 1st
6 District, which is now referred to as EPOD
7 North, East Patrol Operations Division North.

8 I was there for -- as a patrol
9 officer for probably, roughly, five years,
10 maybe five and a half years, and then I went
11 into the special investigations division as a
12 member of what we call the Dayton Metropolitan
13 Housing Authority Task Force, DMHA Task Force.
14 I did that for probably between five and six
15 years.

16 And then in, I want to say June or
17 July, I honestly can't remember for some
18 reason, I was promoted in 2002.

19 Q. Okay.

20 A. And then I left that unit in 2002.
21 After being --

22 Q. Promoted to sergeant?

23 A. Yes, ma'am.

24 Q. Okay.

25 A. After my promotion I was

1 reassigned, actually, back to the 1st
2 District --

3 Q. Okay.

4 A. -- as a patrol sergeant. It
5 wasn't -- it wasn't long after that I was
6 assigned as the supervisor in charge of what we
7 called at that time the SET team, the Special
8 Enforcement Team. And in, I think it was,
9 spring or summer of 2004 I was drafted to the
10 dispatch center, and what that means is when
11 you're promoted to sergeant, you're going to
12 eventually do a year in the dispatch center.

13 Q. Okay.

14 A. I -- I actually did a year in the
15 dispatch center, and the schedule in the shift
16 was so good I stayed for a couple years.

17 Q. Okay.

18 A. In, I believe, July of 2007 -- I
19 was in dispatch center in July of 2007 and then
20 I was assigned to -- transferred to the
21 Internal Affairs Bureau, which is now the
22 Professional Standards Bureau. My primary
23 assignment at that time was public records
24 administrator for the department.

25 I did that and I was in charge

1 of -- I was in charge of random drug testing
2 and I -- at that time early on I didn't carry a
3 caseload but I would respond to callouts and
4 do, you know, assist with investigations. I
5 just didn't -- I was not assigned
6 investigations because I had so much to do with
7 the other things that I was doing.

8 Q. Okay.

9 A. And then I -- I want to say maybe
10 late maybe 2010, early 2011 they took the --
11 because we had lost -- we started out with
12 three sergeants in that unit when I was there
13 and when one retired and they chose not to fill
14 that sergeant's position, they took the public
15 records administrator job out of that -- out of
16 our unit and took the random drug testing out
17 of our unit because it was not feasible to try
18 to do all the things that the sergeant has to
19 do and that stuff.

20 So at that point I basically just
21 was an IA supervisor and investigator. So I
22 did strictly investigations at that point, no
23 more -- I was not the records administrator
24 anymore.

25 Q. Okay. Going back to your -- I

1 know we're going back a little bit.

2 A. Sure.

3 Q. But your patrol when you first
4 started in the 1st District, do you know who
5 your lieutenant or sergeant was?

6 A. My first lieutenant was Lieutenant
7 Randy Bean, and there's two of them, so it was
8 the senior Randy Bean.

9 Q. Okay.

10 A. My sergeant, my first sergeant,
11 out of the academy was sergeant by the name of
12 Robert Mannix, who subsequently became a
13 lieutenant and has since retired.

14 Q. M A N O X?

15 A. M A N N I X, I believe.

16 Q. And then when you were in the
17 SI -- in the DM --

18 A. DMHA.

19 Q. Yeah.

20 A. My direct supervisor was a
21 sergeant by the name of David Williams. During
22 my time there I believe the lieutenant switched
23 off different times. I know at one point my
24 supervisor in that unit was Lieutenant Mike
25 Wilhelm. I believe that's W I L H E L M.

1 Q. Okay. And your 1st District
2 sergeant position, who would have been your
3 lieutenant?

4 A. I believe -- I believe when I
5 initially got promoted, Lieutenant Randy Bean
6 was still there and then Lieutenant Mike
7 Wilhelm moved into that position at one point.

8 Q. Okay.

9 A. And just -- I mean, I -- when I
10 was a patrol officer in the 1st District, I
11 had -- you move around a lot, so I had multiple
12 sergeants --

13 Q. Okay.

14 A. -- and a few different lieutenants
15 actually so --

16 Q. Okay. And when you first got to
17 the IAB, now PSB, who was the lieutenant there?

18 A. Lieutenant was Mark Hess, H E S S.
19 He ended up being the assistant chief and now
20 is the chief of MetroParks.

21 Q. Okay.

22 A. And then there were a few after
23 that.

24 Q. Okay. So -- let's see. I know --
25 so you've been with the IAB PSB since -- what

1 year was that, 2007?

2 A. 2007, mm-hm.

3 Q. And you had Lieutenant Mark Hess.
4 Who were the other lieutenants that have been
5 there since 2007?

6 A. I believe, and I'm getting old, so
7 bear with me --

8 Q. Okay.

9 A. -- I believe that when Mark Hess
10 was promoted, Lieutenant John Huber took over.

11 Q. Is that H U B E R?

12 A. H U B E R, mm-hm. Following --
13 Lieutenant Huber ended up retiring from that
14 position.

15 Q. Okay.

16 A. And at that point I believe is
17 when Lieutenant Matt Carper was assigned to
18 that position and then Lieutenant Carper was
19 promoted to major at -- I want to say -- I want
20 to say sometime around 2012, 2013.

21 Q. Okay.

22 A. And then we didn't have a
23 lieutenant for -- I'm guessing it was -- it was
24 well over a year, probably close to a year and
25 a half, and then Lieutenant Hill was assigned

1 to the position.

2 Q. Okay.

3 A. And I think she arrived in 2014.

4 Q. Okay. Have any of your
5 lieutenants, other than Lieutenant Hill, been a
6 female?

7 A. Yes.

8 Q. Okay. Who was that?

9 A. That was Lieutenant Barbara Bent,
10 I believe that's B E N T. That was while I
11 was -- she did a -- she was -- she was one of
12 the lieutenants at the 1st District.

13 Q. Okay.

14 A. That was while I was patrol
15 officer.

16 Q. Okay. And so that would have been
17 in around when you first started, '92?

18 A. That would have been between '92
19 and when I left in -- I want to say I left in
20 '97 --

21 Q. Okay.

22 A. -- to go to the DMHA Task Force.

23 Q. Okay.

24 A. And --

25 Q. Since then have you had any female

1 lieutenants or supervisors, sergeants --

2 A. Yes.

3 Q. -- or lieutenants?

4 A. Yes. While again -- well, since
5 the majority of my career was in the 1st
6 District, a lot of it's going to be in the
7 1st -- in the 1st District, Sergeant Carlene
8 Maynes, M A Y N E S.

9 Q. Let me go back -- I'm sorry --
10 Barbara Bent, was that a lieutenant or a
11 sergeant?

12 A. That was a lieutenant.

13 Q. Go ahead. Sergeant --

14 A. Carlene Maynes was a sergeant.

15 Q. And when was that?

16 A. That would have been -- she was my
17 sergeant, I believe, when I left the 1st
18 District, so probably for two or three years --
19 oh, maybe -- maybe '95 to '9 -- in that area,
20 in that area.

21 Q. Okay. All right. Any other
22 female supervisors?

23 A. Yes.

24 Q. Okay.

25 A. I believe it was prior to Sergeant

1 Maynes taking over as our sergeant we had a
2 sergeant by the name of Clydette, and please
3 don't ask me to spell that.

4 Q. Okay.

5 A. I'm not sure -- Clydette
6 North-Burke. It's hyphenated.

7 Q. Okay.

8 A. And she was -- she was our
9 sergeant for maybe a year before Sergeant
10 Maynes took over.

11 Q. Okay. So that would have been
12 before '95?

13 A. I think so. And I'm -- I'm trying
14 to recall this.

15 Q. Sure.

16 MR. BAZELAK: Are you just asking
17 about sergeants or even both?

18 MS. BROWN: Yeah, sergeants or
19 lieutenants, anyone that was a supervisor. So a
20 sergeant when you were a patrol and then
21 lieutenant --

22 MR. BAZELAK: Just a direct
23 supervisor because --

24 THE WITNESS: Okay. And for the
25 record, I was an officer when Lieutenant Bent was

1 my -- was my lieutenant.

2 Q. Okay.

3 A. So she would not have been my
4 direct supervisor. It would have been one of
5 the other sergeants I mentioned.

6 Q. Okay.

7 A. I believe -- I believe that is the
8 extent.

9 Q. Okay. Were any of these female
10 sergeants and lieutenants African-American
11 female?

12 A. Sergeant Clydette North-Burke,
13 yes, ma'am.

14 Q. And that was --

15 A. It was in that area.

16 Q. All right. I'm not going to hold
17 you to it explicitly?

18 A. This has been a long time ago.

19 Q. Okay. Other than this case here,
20 have you ever been the subject or accused of
21 being part of any discriminatory actions with
22 any other employees or coworkers or anything
23 while with the City of Dayton?

24 A. No, ma'am, never.

25 Q. Okay. And you're currently

1 employed with the City; correct?

2 A. Yes, ma'am.

3 Q. Okay. What's your current job
4 title?

5 A. Department advocate.

6 Q. Okay. And who's your current
7 chain of command?

8 A. My lieutenant is Lieutenant Eric
9 Sheldon.

10 Q. Okay. And are you still with the
11 PSB?

12 A. Yes, ma'am, it's a -- it's an
13 assignment within -- within PSB.

14 Q. Okay. Is it different from your
15 assignment when you were working under
16 Lieutenant Hill?

17 A. Yes, ma'am.

18 Q. Tell me about the difference.

19 A. The difference is I don't work in
20 the office with -- I'm not an investigator, for
21 one.

22 Q. Okay.

23 A. I work in the safety building
24 where all the other members of the unit work
25 over in the One Stop building. My job is

1 primarily -- I do -- I'm back to random drug
2 testing.

3 Q. Okay. That sounds fun.

4 A. Just lucky, I guess. And I
5 primarily, I guess for lack of a better term,
6 facilitate the disciplinary process. If
7 there's discipline that's going to -- if an
8 officer's going to discipline, the discipline
9 comes to me, I log it, I make sure that the
10 appropriate charge has been made and then I
11 send it out to be served if there is a -- if
12 there is a -- if it's a disciplinary process.

13 If it's going to involve something
14 greater than a reprimand, some type of
15 suspension, maybe termination, then I will -- I
16 will -- there will be a hearing, an
17 administrative hearing, if the employee so
18 chooses and then I will -- I'm the person that
19 sets in and states the -- states the
20 departments, the facts of the department's
21 investigation.

22 Q. Okay. So you don't do the
23 investigation but you might review an
24 investigation and report those facts from
25 someone else's investigation?

1 A. Right. The investigation, once it
2 takes the course that it takes and there's
3 going to be a -- and there's going to be what
4 we call charges and specifications, then the
5 investigation comes to me, I get it over here
6 to HR law where they -- they review it, type up
7 the appropriate charge and specifications
8 and -- and then, ultimately, once those charges
9 and specifications are returned to me, I see to
10 it that they're served.

11 And then if there's going to be a
12 hearing, I'll review the investigation so -- so
13 that, like I said, I do a little thing prior,
14 just explaining the facts and the circumstances
15 of the investigation and then the hearing
16 officer hears the mitigation.

17 Q. Okay. And when did you take over
18 this position?

19 A. I want to say December 12th of
20 2017.

21 Q. And before that you were a
22 sergeant with -- an investigative sergeant?

23 A. Yes, ma'am, I was actually an
24 investigator supervisor over in the One Stop
25 office in PSB.

1 Q. And how long had you been in that
2 position?

3 A. Technically, I had been a
4 supervisor in PSB since I got there in 2007. I
5 started doing full time investigations after
6 they took away the public records and the drug
7 testing in probably, I want to say, early 2011.

8 Q. Okay.

9 A. So from 2011 on I primarily did
10 the work of a PSB supervisor and carried a
11 caseload of investigations.

12 Q. Okay. And so this was sometime
13 after when Lieutenant Carper was promoted to
14 major that there was no lieutenant assigned to
15 the PSB?

16 A. That is correct.

17 Q. Okay. And so at that point -- I
18 spoke to Sergeant Reboulet earlier today and he
19 testified that you -- you guys kind of shared
20 the duties a little bit --

21 A. We did.

22 Q. -- as interim commanders. Tell me
23 about that.

24 A. For the time that we were without
25 a lieutenant, I think we did it in, basically,

1 two-month shifts. He would take two months and
2 then I would take two months just simply
3 because you -- like I said, we carry a caseload
4 just like the detectives do and we have -- we
5 have things that sergeants do. So we would --
6 we shared a responsibility throughout that year
7 and change that we did it, yes.

8 Q. Now, did the sergeants versus
9 the -- I guess they're detectives in -- they're
10 called detectives?

11 A. Yes, ma'am.

12 Q. But they're officers?

13 A. Yeah, they're the rank of officer,
14 yes, ma'am.

15 Q. Did the detectives versus the
16 sergeants, did the sergeants have different
17 types of cases --

18 A. (Witness shakes head from side to
19 side.)

20 Q. -- or did you investigate the same
21 thing the officer --

22 A. Yes, it would basically go in --
23 if we took a callout on an officer-involved
24 shooting or bad accident or something like that
25 and the officers -- each one of the detectives

1 were actively working on three different
2 investigations and I had one, I'd take it. It
3 was just the caseload was shared. And we took
4 our fair share.

5 Q. Okay. So did you supervise
6 detectives in their process or in their
7 investigations at all?

8 A. I guess it would depend on your
9 definition, yes. We would oversee, we would go
10 through different steps with them of the
11 investigative process, we would review their
12 investigations prior to -- prior to the final
13 product being turned in to the lieutenant.

14 Q. Okay.

15 A. Yes, ma'am.

16 Q. What -- who were the detectives
17 that were working in the PSB during the time
18 that you were there with Lieutenant Hill?

19 A. With Lieutenant Hill?

20 Q. Narrow down a time frame a little
21 bit. So, basically, 2013 to 20 -- you left in
22 2017; right?

23 A. Yes, ma'am. To the best of my
24 knowledge, as I recall the -- when Lieutenant
25 Hill got there, I know that Detective Scott

1 Culham was there, C U L H A M. I know that
2 Detective --

3 Q. And he's white male?

4 A. Yes.

5 Q. Okay.

6 A. And I know that Detective Howard
7 Jordan was there.

8 Q. And his race?

9 A. He's a black male. And I
10 believe -- I believe that at some point during
11 that Detective Doug Hall may have been there
12 for some part of that.

13 Q. Okay.

14 A. And he is a white male, yes,
15 ma'am.

16 Q. Okay.

17 A. Oh, I'm sorry, yes. Those -- the
18 people I just mentioned left during the time
19 that Lieutenant Hill was there.

20 Q. Okay.

21 A. In that time period as they -- as
22 they moved out, I believe -- I don't know the
23 order in which they went. I don't want to get
24 it wrong.

25 Q. Okay.

1 A. As one would move out, you would
2 replace them with another detective.

3 Q. Okay.

4 A. As one of those detectives moved
5 out, I believe Detective Darrel Smith was the
6 first to come into the -- to come into -- to
7 come into the office.

8 Q. Okay.

9 A. Next was Detective Dennis Murphy,
10 M U R P H Y, and then the last detective was
11 Detective Krista Gorsuch, and I believe that is
12 G O R S U C H. I think it's with a K --
13 actually, I know it's with a K, K R I S T A.

14 Q. And race and ethnicity? I can't
15 speak today.

16 A. Detective Smith is a black male,
17 Detective Murphy is a white male and Detective
18 Gorsuch is a white female.

19 Q. Okay.

20 A. And those three detectives are
21 currently still active in PSB.

22 Q. Okay. And who are the current
23 sergeants that you know that are in PSB?

24 A. I do. Sergeant Richard Taylor and
25 Sergeant Justin Poe, P O E.

1 Q. Okay. And the current lieutenant
2 is Sheldon?

3 A. Yes, ma'am.

4 Q. So during the time that you and
5 Sergeant Reboulet were -- were kind of sharing
6 the duties of the, you know, lieutenant --
7 lieutenant responsibilities, were you receiving
8 any additional benefits or pay from the City of
9 Dayton?

10 A. You know, I believe that when you
11 are -- when we were -- when we were doing the
12 job as lieutenant, you were given a -- and I
13 can't think of the term right now -- but, yes,
14 I wasn't making lieutenant's pay but you -- you
15 did get -- you did get something additional.
16 It wasn't to the point where you would notice
17 it.

18 Q. So when -- so when Lieutenant Hill
19 came in as the lieutenant, did those benefits
20 stop for you?

21 A. They would -- yeah, we wouldn't --
22 you'd only get it when you were the acting
23 lieutenant, yes, ma'am.

24 Q. So for those two months time frame
25 when you were alternating with Sergeant

1 Reboulet --

2 A. That's correct.

3 Q. -- you would get extra. Was there
4 any explanation provided to you why there was a
5 delay in having a lieutenant there in the PSB
6 during that time frame?

7 MR. BAZELAK: Objection. Go ahead.

8 THE WITNESS: Initially, I was
9 told -- I was told that there was -- that we -- we
10 had one lieutenant available and that there was
11 two spots and the other unit was getting the
12 lieutenant.

13 Q. Okay.

14 A. I never asked many times. That
15 was the only -- that was the only time anybody
16 ever really told me anything.

17 Q. Okay.

18 A. And that was very early on, yes.

19 Q. Okay. And so was there ever any
20 discussion about selecting a new lieutenant for
21 the PSB?

22 A. We had a discussion with -- and I
23 don't know what the time frame was so I don't
24 know if it was Major or Lieutenant Colonel Mark
25 Ecton. Towards the -- towards the time that

1 Lieutenant Hill was assigned, prior to that he
2 had come over to our office and sat down and
3 just wanted to know if we had any ideas
4 about -- about Lieutenant and we talked very
5 briefly about it.

6 Q. Okay. Was -- do you recall
7 speaking to Colonel Ecton about whether
8 Lieutenant Hill would come over into the
9 position during that meeting?

10 A. I don't remember having a
11 conversation with him about Lieutenant Hill.

12 Q. Okay.

13 A. If -- he may have brought
14 Lieutenant Hill's name up, I remember, because
15 I remember her name coming up but there wasn't
16 any real discussion about it.

17 Q. Okay. Do you recall coming into
18 the OCRC office or having a meeting with Ohio
19 Civil Rights Commission representative and
20 giving a statement or talking about --

21 A. I remember, yes.

22 Q. -- her charges? Okay.

23 (Thereupon, Plaintiff's Exhibit 2, a
24 copy of an interview, was marked for purposes of
25 identification.)

1 Q. Hand you what's been marked as
2 Exhibit 2. And so I'll represent to you that
3 this is part of the records that we received
4 from the OCRC as their summary of an interview
5 that they're saying happened on October 4, 2016
6 with you. Do you recall having this interview
7 around that time -- that date, October 4?

8 A. If it says that, I'm -- I don't
9 recall when -- it seemed like it was forever.

10 Q. Yeah.

11 A. I won't argue.

12 Q. Okay. And so I want to go -- one
13 of the statements in here that I wanted to talk
14 to you about, third paragraph down, there's a
15 Sergeant Rike, and it says Lieutenant Hill, she
16 doesn't communicate with us. If there is
17 face-to-face, we usually initiate that.
18 There's very little that she does that benefits
19 this office. Do you recall making that
20 statement to the OCRC?

21 A. I do not recall it.

22 Q. Okay.

23 A. But if it's here, like I said, I
24 won't argue with it.

25 Q. Okay. Did -- did you feel that

1 way at the time or do you feel that way about
2 her?

3 A. Not really. I mean, there were --
4 I guess I would -- the way I would explain this
5 is there were times when she would not talk to
6 us --

7 Q. Okay.

8 A. -- period. I think that's what I
9 was referring to.

10 Q. Okay. So you don't recall saying
11 that there's little that she does to benefit
12 the office?

13 A. Well, if, like I said, it's right
14 here --

15 MR. BAZELAK: It's not a transcript.

16 THE WITNESS: No, I don't remember
17 that, no.

18 MR. BAZELAK: This is the
19 investigators -- what she said so --

20 THE WITNESS: No, I don't -- I
21 don't -- I remember very little from that. I'll
22 be honest. I'll tell you right now, okay.

23 Q. So if you go down, next sentence
24 after that, I don't know if it's
25 incompetence -- I don't know if incompetence is

1 the right word or not. Sergeant Rike went on
2 to explain this is a paramilitary type of
3 organization and you follow commands
4 accordingly. Is that an accurate statement?

5 A. That is an accurate statement.

6 Q. So explain to me what you meant by
7 you following commands accordingly in the
8 paramilitary organization.

9 A. Well, what it is is -- and what
10 that means is we have a rank structure in the
11 Dayton Police Department and we have officers
12 and we have sergeants and we have lieutenants
13 and majors and lieutenant colonels and chiefs
14 and officers.

15 If it's a reasonable order, you
16 take orders from sergeants and lieutenants and
17 you follow those orders just as you would in
18 the military. If in our situation here I'm a
19 sergeant, Lieutenant Hill is a lieutenant. If
20 Lieutenant Hill gave me an order, gave me an
21 assignment, then I did it because that's --
22 that's how this -- that's the only way the
23 process worked. It's the only way the
24 department runs. So I think that's -- that
25 would be what my --

1 Q. Okay. And so next sentence, we
2 have said many times and told her of things
3 were to be done. Do you recall making a
4 statement about you had told Lieutenant Hill
5 about things that were to be done?

6 A. I'm not even sure what that means.
7 I'm reading it and I don't know what it means.

8 MR. BAZELAK: Take your time and read
9 the whole thing if you need to.

10 THE WITNESS: Okay.

11 (Pause in proceedings.)

12 THE WITNESS: Okay. And if I said
13 that, again, this is what I was saying earlier, if
14 we had -- if we didn't see eye to eye on
15 something, it didn't really matter because we
16 worked for her and we did what was asked of us.

17 Now, here when we -- when I,
18 apparently, made the statements things were to be
19 done, when Lieutenant Hill came to the -- came to
20 PSB, and let me be clear, I, for one, was
21 ecstatic. We needed a lieutenant because we
22 needed to quit trying to do multiple jobs.

23 Q. Well, let me pause you there.

24 A. Mm-hm.

25 Q. Was she -- were you ecstatic that

1 Lieutenant Hill came or did you want someone
2 else?

3 A. No, we wanted a lieutenant.

4 Q. Okay.

5 A. It really wouldn't have mattered.

6 Q. Well, because I say that because
7 if you go to the next page one of the questions
8 is like I didn't get good -- well, I guess the
9 question was, why didn't you seek the job level
10 of PSB division lieutenant, and the response is
11 I didn't get the job because I'm not a
12 lieutenant. Is that a correct statement?

13 A. That's correct.

14 Q. I was pretty glad to see a
15 lieutenant come in here as you stated before;
16 correct?

17 A. That's correct.

18 Q. But we didn't get to stop our
19 regular extra duties.

20 A. To an extent, that's correct.

21 Q. Okay. And tell me about that.

22 A. Part of the job of lieutenant, and
23 as I explained to Lieutenant Hill, when she
24 came into the unit just to -- just give her an
25 idea of what was expected, you know, a lot of

1 times a lieutenant is -- lieutenants respond to
2 callouts, lieutenants do findings and
3 lieutenants attend a lot of meetings.

4 Q. Okay.

5 A. These are things that -- that I,
6 for one, I won't speak for Sergeant Remley, but
7 I, for one, spent a lot of time in meetings and
8 I had a lot of things to do back at my office,
9 so we were very happy to have a lieutenant in
10 there to, among other things, attend meetings.
11 And then as soon as Lieutenant Hill arrived,
12 advised us that we were going to attend all the
13 meetings.

14 Q. Okay.

15 A. That was -- I'm not sure where I'm
16 at here. That was the -- that was the -- that
17 was the basis of that statement is that we had
18 finally, after better than a year, got a
19 lieutenant over there to take over the
20 meeting -- the meetings that the lieutenant
21 goes to and then we ended up going to them all
22 anyway.

23 Q. Okay.

24 A. I think that he was the -- that
25 was the extra duty that I -- that I spoke of.

1 Q. Okay.

2 A. Okay.

3 Q. So the next sentence there, same
4 page, Lieutenant Hill was not our first choice
5 or our second choice, she wasn't even on the
6 list. Do you -- do you -- is that an accurate
7 statement?

8 A. That's accurate.

9 Q. Okay. To me, Lieutenant Hill
10 wasn't on our list because of her past.

11 A. That's correct.

12 Q. That's correct. Okay. Tell me
13 about her past that made you not want her to be
14 on the list.

15 A. Well, and --

16 MR. BAZELAK: Read the whole thing,
17 too, because she's asking about specific things
18 and I want to make sure you have a fair
19 opportunity to read -- read the whole summary that
20 was prepared by the investigator.

21 (Pause in proceedings.)

22 THE WITNESS: Okay. And, you know, I
23 can't -- there are things I can't put my finger
24 on. I've been here for a long time. When -- when
25 Lieutenant Hill -- there were things that gave

1 us -- gave me areas of concern, and that was when
2 Lieutenant Hill was a sergeant and worked as a
3 major's aide for the major of operations, Kenton
4 Rainey, there became a log jam of investigations
5 that would never -- that seemed to never make it
6 through the process and we would, as sergeants, as
7 supervisors, we would continuously receive
8 investigations back, and these are investigations
9 that Lieutenant Hill, as the major's aide,
10 would -- as part of her duties would, I assume, be
11 expected to review prior to getting to the major.
12 That's the idea.

13 And we would get investigations back
14 with things that -- with questions that made no
15 sense. We would get things back with a note with
16 writing on our investigation saying you mention
17 here this happened, please explain in greater
18 detail. And the greater detail was in the next
19 paragraph.

20 So we would write notes back and say
21 see next paragraph and then we would send them
22 back. And, honestly, I don't know if it was
23 coming back from Major Rainey or I don't know if
24 it was coming back from Lieutenant Hill, but the
25 fact is is very few things got through.

1 And when you constantly got back
2 reports saying please answer this question and the
3 question is two paragraphs down, then you have to
4 ask yourself, is somebody in that office actually
5 reading these things and reviewing them or are
6 they just finding something.

7 And you got to understand, we have
8 time limits in this department. And when you're a
9 sergeant and you have -- and you have time limits,
10 it -- it just kills you to keep receiving the same
11 investigation back over and over because now in
12 the time period that it's taking you to send this
13 one up through and you get it back, you have three
14 more.

15 Q. Okay. Let me pause you for a
16 second.

17 A. Sure.

18 Q. What types of investigations were
19 these?

20 A. Use of force, cruiser accidents,
21 citizen complaints, you know, complaints of
22 misconduct, things of that --

23 Q. Complaints of misconduct of police
24 officers?

25 A. Police officer.

1 Q. So you said use of force. So that
2 would be police officers involved in some type
3 of injury or use of force with a citizen;
4 correct?

5 A. That is correct.

6 Q. And then cruiser accidents would
7 be police officers causing a car accident with
8 a citizen?

9 A. Just being involved in an
10 accident.

11 Q. Okay.

12 A. Whether it was our fault or not,
13 it would have to be investigated, yes, ma'am.

14 Q. Okay. And so someone, we don't
15 know if it was Lieutenant Hill, what you're
16 saying is someone would put notes on these
17 investigations and say we need more explanation
18 when it was your opinion that there had already
19 been enough explanation already in the report;
20 correct? Is that a fair summary?

21 A. Not my opinion. The answers to
22 the questions would be in the report.

23 Q. Okay.

24 A. And as I said, the major's aide,
25 their responsibility was to review reports

1 prior to handing them to the major because you
2 want them to be complete for the major --

3 Q. Okay.

4 A. -- so he can look at them, sign
5 off on them and be done.

6 Q. Okay.

7 A. So either -- either she --
8 Lieutenant Hill was sending these through to
9 him with these questions unanswered or if he
10 had a question and said why does this -- why is
11 this -- why is this not answered here but it's
12 answered in the next paragraph, then you
13 would -- then it would be something that she
14 could say, Major, this is in the next
15 paragraph, just --

16 Q. Okay. Anything else about her
17 past that made you, you know, made her not be
18 your first or second choice or on the list to
19 come into the PSB?

20 A. And, again, I won't -- I'm in this
21 department. It's not a big department.

22 Q. Okay.

23 A. I was aware of just, you know,
24 things in west pod when she moved to lieutenant
25 and went to that -- went to that area that some

1 things were not making it through the process
2 in a timely manner.

3 Q. Like what?

4 A. As I said, investigations. Like I
5 said, I can't put my finger on it. These are
6 things that I -- that I heard.

7 Q. Okay.

8 A. I can't give you facts.

9 Q. Okay.

10 A. I'm just telling you -- but these
11 things -- again, when you hear these things, it
12 gives you a moment of concern --

13 Q. Okay.

14 A. -- because the job of a PSB
15 commander is an important job. These
16 investigations are not minor cruiser accidents,
17 these are not your everyday use of force.
18 These are officer involved shootings, these are
19 investigations where people have -- they're
20 fatal cruiser accidents, these are things where
21 people, you know, have something serious that's
22 happened if we're investigating it.

23 There are officers who are
24 involved in these things who need for the
25 process to work. They are -- they wait and

1 it's -- and because it's a PSB investigation,
2 it takes time, and these officers deserve to
3 have these things done efficiently and in a
4 timely manner because these are things that --
5 that bother -- when an officer's involved in a
6 incident where someone dies, someone's injured,
7 they need some closure, and when --

8 Q. Let me stop you.

9 A. Sure.

10 Q. So would you say the intent is to
11 close the investigations faster?

12 A. No, no.

13 Q. But it's to make sure that you get
14 closure for the officers?

15 MR. BAZELAK: Go ahead.

16 THE WITNESS: Correct. No, the
17 investigations are never to -- I'm sorry. The
18 investigations, as I said, a PSB investigation
19 takes forever.

20 Q. Okay.

21 A. But when it is finished, when it
22 is finished and the findings are completed, we
23 can -- we can send information to the officer
24 saying the investigation is completed, you were
25 cleared of any wrongdoing. That's big. The --

1 the issue was you can't have these things not
2 make it through the process in a timely manner,
3 okay, that was my -- that was my concern.

4 Q. Was there ever any time where you
5 found that an officer wasn't cleared and you
6 didn't send him a letter saying he didn't -- he
7 was cleared of any wrongdoing involving a use
8 of force claim?

9 A. I don't understand what you're --
10 say that again for me, please.

11 Q. Correct me if I'm phrasing it
12 incorrect but --

13 A. Mm-hm.

14 Q. But what you've said previously
15 was you like to close these investigations and
16 send the officer a letter; correct?

17 A. And explain to him that it's gone
18 through the process up to the chief of police
19 and it has been determined that they -- or
20 whatever the case may be.

21 Q. Okay. So have there ever been
22 situations where you have to send a letter
23 saying that we haven't cleared you of
24 wrongdoing and you have violated our use of
25 force policy in these serious use of force

1 situations?

2 A. No, ma'am, there's no letter
3 saying that.

4 Q. Okay.

5 A. That is -- that is where the
6 reprimands and the charges and specifications
7 come in.

8 Q. Okay.

9 A. If you've been cleared, we're
10 going to send you a letter and tell you that
11 you've been cleared. If you've not been
12 cleared, then you're going to receive your
13 level of discipline that has been decided by
14 the department.

15 Q. Okay.

16 A. So either way, you are being
17 advised that this case is closed.

18 Q. Okay. And so it was your fear or
19 your concern that Lieutenant Hill would not be
20 able to review the processes quickly enough
21 based on your prior knowledge of how she
22 responded in similar-type situations?

23 A. I'm not even sure. I don't even
24 believe it was that. I just thought at the
25 time there was people that I had worked with

1 who -- who might have -- who I thought would do
2 the job well. I'm not saying that she
3 wouldn't.

4 Q. Do the job better than her?

5 A. I don't even know that. I don't
6 know that. That's why when she was assigned
7 this, we were very happy. I've known
8 Lieutenant Hill for 27 years. She's very --
9 she's a very intelligent woman. She is -- she
10 is a very intelligent police officer.

11 She -- she -- when she does her
12 work, it's a lot -- a lot of times it's
13 flawless. She writes very well, she corrects
14 our things very well. You give her a summary
15 of something written and there are not
16 many better that can bring it back to you and
17 have it -- have it tweaked up, grammar, very --
18 very intelligent. I had no doubt that
19 Lieutenant Hill could do that job and I wish
20 she would have.

21 Q. And that was my next question. So
22 you don't think that she did it very well?

23 A. No, I don't.

24 Q. Okay. And why is that?

25 A. Simply because one of the

1 responsibilities of PSB commander was doing
2 findings, and it became clear not long after
3 she became commander and was transferred over
4 that some of these investigations were getting
5 completed, however, the findings were not
6 leaving our office and it was -- it was -- it
7 started becoming frustrating because, as I
8 said, we have -- we have time limits, we have
9 disciplinary time limits, and these
10 investigators work very hard on these
11 investigations to get them done efficiently,
12 thoroughly and as detailed as they possibly can
13 and turned in to the lieutenant in a timely
14 manner.

15 And findings, which are the
16 responsibility of the lieutenant, were not
17 getting done. By the time it was said and
18 done -- when Lieutenant Hill and -- Lieutenant
19 Hill left the assignment after I did -- but
20 when I left the assignment, there were upwards
21 of 23 investigations that had -- that had
22 none -- did not have findings with them. That
23 is what we do. I -- believe me, I -- I wanted
24 Lieutenant Hill to succeed more than anybody.
25 It's -- the assignment is a great assignment

1 and she had all the tools to do the job and I
2 don't -- to this day, I don't understand what
3 happened --

4 Q. Okay.

5 A. -- but -- I'm sorry.

6 Q. Well, did you ever get any
7 feedback from management, either majors, either
8 other lieutenants or chief about Lieutenant
9 Hill complaining or bringing up any issues she
10 was having with you and Sergeant Reboulet while
11 she was there at the PSB?

12 MR. BAZELAK: Objection, form. Go
13 ahead.

14 THE WITNESS: No.

15 Q. Okay. So no one ever talked to
16 you about issues that Lieutenant Hill was
17 having while working in the PSB, particularly,
18 with you and Sergeant Reboulet?

19 MR. BAZELAK: Objection.

20 THE WITNESS: No, ma'am, not that I'm
21 aware of.

22 Q. Okay. So I want to go back to
23 that Exhibit 2 there, same paragraph. I think
24 he had got kind of cut off.

25 A. Yes, ma'am.

1 Q. So Lieutenant Hill -- because of
2 her past and we talked about that.

3 A. Yes, ma'am.

4 Q. Next sentence, prior to coming
5 here she was a lieutenant in criminal
6 investigations and admin services or records
7 keeper. Do you recall referring to her as a
8 records keeper?

9 A. No, I don't know what that means.

10 Q. Okay.

11 A. I don't believe -- I believe this
12 is -- I didn't say that.

13 Q. You didn't refer to her as a
14 records keeper?

15 A. No.

16 Q. Okay. Next sentence, the place
17 was a wreck, they ran out one of the best
18 officers, Larry Tolpin, one of the most
19 intelligent officers, they ran him out and drug
20 him through the mud. Do you recall talking
21 about --

22 A. Yes.

23 Q. -- them running out Larry Tolpin?

24 A. Yes.

25 Q. Tell me about that. What happened

1 with Larry Tolpin?

2 A. The -- and I can't give you dates.

3 Q. Okay.

4 A. But at one point we were asked to
5 contact Lieutenant Hill, who was over
6 investigation administrative services, about a
7 complaint from CARE House which is -- do you
8 know what CARE House -- CARE House is where
9 the -- it's the child special victims unit --

10 Q. Okay.

11 A. -- where a couple of complaints
12 that originated from the CARE House about
13 Sergeant Larry Tolpin and Detective Jerry Dix.

14 I believe I was the one who
15 initially spoke to Lieutenant Hill and it was a
16 very brief conversation, just the nuts and
17 bolts that there was a -- that Detective Dix,
18 it had been reported that he had missed a
19 couple meetings, regular meetings that you
20 could miss but you had to have a good reason
21 and he didn't, something along those lines.

22 And then the information received
23 about Sergeant Tolpin, I believe it was the
24 director of CARE House, Libby Nicholson, was
25 reporting that Sergeant Tolpin was not doing

1 his -- not handling the responsibilities of the
2 supervisor there and was not doing his duty,
3 was -- basically, was not doing the work that
4 was expected of him.

5 We ultimately assigned this case
6 to Detective Scott Culham, who naturally then
7 takes it and speaks to everybody again. My
8 conversation was very brief. I believe
9 Detective Culham had a thorough and detailed
10 conversation with Lieutenant Hill about the
11 particulars of the complaint.

12 And then after getting that he
13 went to the CARE House and spoke to Libby
14 Nicholson and, I believe, a few -- possibly a
15 few others but I know he spoke to Libby
16 Nicholson, and the response was Libby Nicholson
17 was basically -- she didn't have any idea what
18 anybody was talking about.

19 They loved Larry Tolpin, he did a
20 fantastic job and they couldn't ask for
21 anything more. Well, I can't give you all the
22 details of what happened or what took place,
23 but through the process of this investigation
24 Larry Tolpin ended up leaving the department
25 and that was tragic because he was an

1 exceptional supervisor, he was an exceptional
2 officer, and he left before it was time for him
3 to leave and that was -- I mean, it just -- it
4 is what it is.

5 It's just -- the fact of the
6 matter is that whatever -- whatever route this
7 investigation took, Sergeant Tolpin,
8 apparently, felt he needed to leave the
9 department and it just -- like I said, it is
10 what it is. I don't know the details or who
11 did what.

12 Q. Did you attribute any fault or
13 blame or responsibility to Lieutenant Hill for
14 Larry Tolpin leaving the police department?

15 A. I don't think that I -- because I
16 didn't know all the details, so I didn't
17 attribute anything to anything. I knew what I
18 knew.

19 Q. Okay.

20 A. I knew that there had been an
21 allegation made against Larry Tolpin, and when
22 that allegation was investigated, it was -- it
23 was unfounded.

24 Q. Okay.

25 A. That's what I knew about the whole

1 thing. So I don't know what happened behind
2 the scenes. I'm sure a lot of things happened
3 behind the scenes --

4 Q. Yeah.

5 A. -- it always does, but I did
6 not -- I had no firsthand knowledge after what
7 I just told you I knew.

8 Q. Okay.

9 A. So I didn't attribute -- it's not
10 that I blamed anybody. It was tragic. It was
11 just sad to see a good officer that you knew
12 worked hard have to leave before his time.

13 Q. Okay. I only say that because it
14 looks like you brought it up when they asked
15 you questions about Lieutenant Hill, in their
16 mind it had to be some type of connection;
17 correct?

18 MR. BAZELAK: Objection. Go ahead.

19 THE WITNESS: Well, the connection is
20 what I told you. This started -- the entire
21 investigation started with an allegation that was
22 forwarded to us by Lieutenant Hill about Larry
23 Tolpin that had supposedly come from CARE House
24 and then we found out that it didn't come from
25 CARE House.

1 So there's -- I mean, she was
2 involved in this. I just do not know to what
3 extent and I don't know how -- I don't think
4 anyone ever figured out why what Lieutenant Hill
5 relayed to us was different than what was relayed
6 to us by the people, supposedly, making the
7 allegation. So she was part of the investigation.
8 I don't know to what extent it ended up being.

9 Q. Do you recall ever complaining to
10 Carper or to any other management about
11 Lieutenant Hill missing time from work or being
12 off, you know, missing during the day?

13 A. Missing time from work?

14 Q. Or being off in the middle of the
15 day.

16 A. I don't know. I don't recall
17 complaining to anybody. It wasn't my place.

18 Q. Do you recall telling Carper that
19 you were having a difficult time accepting
20 Lieutenant Hill into -- as the Lieutenant in
21 the PSB?

22 A. No.

23 Q. Do you recall telling Carper that
24 you had reservations about Lieutenant Hill's
25 qualifications for her job?

1 A. No, I don't honestly remember
2 having a conversation like that.

3 Q. Okay. Do you recall telling
4 Carper that -- express concern to Carper that
5 findings are months behind or lagging behind?

6 A. I don't know that I specifically
7 told Carper that. I don't think it was a
8 secret.

9 Q. Okay.

10 A. I honestly don't. I think it was
11 common knowledge. There was no reason to go --

12 Q. Okay. Do you recall telling
13 Carper that Lieutenant Hill doesn't speak to
14 you or that she goes in her office and,
15 basically, shuts her door?

16 A. I don't recall that. I'm not
17 saying I didn't because that's -- that was --
18 it was a fact, but I don't remember
19 specifically telling Lieutenant Colonel Carper
20 that, no.

21 Q. Okay. But -- so you can confirm
22 that while you were working there, you felt
23 there were times where she would go in her
24 office and shut her door?

25 A. That wasn't really --

1 Q. More than normal or you would
2 expect?

3 A. That wasn't really -- I don't
4 really find that an issue. I don't know that I
5 ever really found that an issue.

6 Q. Okay. And you didn't bring it up
7 with Carper?

8 A. No.

9 Q. Okay. Did you ever bring it up
10 with Carper that you don't know where
11 Lieutenant Hill is for long periods of time?

12 A. I don't believe so, no.

13 Q. Okay. Was there any times where
14 you have drove past Lieutenant Hill's home, her
15 personal residence?

16 A. I don't think I ever actually
17 drove past her house, so to speak.

18 Q. Okay.

19 A. I could probably -- once or twice
20 on that -- when we were -- we'd be on that side
21 of town and we hadn't seen her all day and it
22 was late in the afternoon. I would say maybe
23 once, maybe twice, never pulled down her
24 street. We would just -- if we were close
25 enough to see her street, see if her car was

1 there, at least we knew she was not dead in the
2 ditch somewhere but, no, it was never
3 consciously made a trip to go do anything.

4 Q. Okay. When you say we, who else
5 are you referring to?

6 A. I say we because usually when I
7 was out traveling around, Sergeant Reboulet was
8 with me, but I don't know that he was -- I
9 can't honestly say that he was with me.

10 Q. Okay. Did Carper ever tell you to
11 drive past Lieutenant Hill's house to make sure
12 her car was there?

13 A. No. Again, I never purposely
14 drove past her house to check on her. If I was
15 in that area, and like I said, I think it may
16 have happened once just on a -- on a day where
17 nobody had heard or seen from her.

18 Q. Okay.

19 A. But no, nobody -- nobody ever told
20 anybody to go past anybody's house.

21 Q. Now, how did you know what --
22 where her house was?

23 A. I don't know that -- I have no
24 idea.

25 Q. Okay. Had you ever been to it

1 before previously like for a social gathering
2 or anything?

3 A. No, and I don't know that I knew
4 exactly where her house was, but believe it or
5 not, Lieutenant Hill and I had -- we would
6 spend a lot of time talking, okay, you know, we
7 had -- Lieutenant Hill's a very pleasant
8 person. We had -- we had a lot of
9 conversations. I remember when she explained
10 to me that she moved from -- she was moving
11 from her house.

12 MR. BAZELAK: Don't give any
13 addresses of personal residences or anything like
14 that.

15 THE WITNESS: No.

16 MR. BAZELAK: She's still a police
17 officer.

18 THE WITNESS: Right.

19 MR. BAZELAK: You're still a
20 police --

21 THE WITNESS: And I don't know any
22 address.

23 MR. BAZELAK: Or even streets because
24 there was a street mentioned in that last
25 deposition. I don't want to go down that path.

1 Q. All right.

2 A. To finish up, she had moved from
3 her residence to another residence and she had
4 told us all about the new residence.

5 Q. Okay.

6 A. I think a family member lived
7 there prior or something like that.

8 Q. Okay. Do you think that
9 Lieutenant Hill is a -- is a truthful person in
10 what you've witnessed?

11 A. I really --

12 MR. BAZELAK: Objection.

13 THE WITNESS: I have no idea.

14 Q. You've known her for 25 years?

15 A. I have worked in the same
16 department with her for over 25 years.

17 Q. Okay. And you just said that
18 you've had lots of conversations?

19 A. I certainly did.

20 Q. You don't have an opinion of
21 whether she seems honest or truthful?

22 MR. BAZELAK: Objection. Go ahead.

23 THE WITNESS: I have not the
24 slightest idea whether Lieutenant Hill is truthful
25 or not.

1 Q. Okay. So you don't think she's
2 truthful?

3 A. I don't really have --

4 MR. BAZELAK: Objection.

5 Q. You either think someone's
6 truthful or you don't. I don't understand how
7 you say you don't have an opinion about whether
8 someone seems truthful or not.

9 MR. BAZELAK: Objection. Asked and
10 answered. So, I mean, answer again.

11 THE WITNESS: I -- I never considered
12 the fact that Lieutenant Hill would be untruthful.
13 She's a police officer. As I said, she's worked
14 in the same department that I have for 27 years.
15 It wouldn't cross my mind that she would be
16 untruthful.

17 Q. Okay. But in your position, you
18 know, for years investigating these, you know,
19 officer complaints, did you have occasion to
20 listen to witnesses and listen to their
21 statements and have to make some type of
22 conclusion on whether they seemed truthful or
23 not in their statements?

24 A. Yes.

25 Q. So you have the ability to listen

1 to someone and think if they seem truthful or
2 not but just -- it's not something that you
3 employed or had to use with your situation with
4 Lieutenant Hill?

5 A. Well, to answer that question,
6 when I speak to -- when I'm conducting
7 investigations and I'm speaking to someone,
8 sometimes there's a reason to believe that they
9 may not be truthful with me, so I need -- so
10 you need to pay attention and look for
11 things -- I never felt -- I never interrogated
12 Lieutenant Hill. The conversations Lieutenant
13 Hill and I had were about work, about family,
14 things of that nature, nothing that would make
15 me feel that, boy, I need to make sure she's
16 telling the truth here.

17 Q. Okay. Did you give -- when
18 that -- I'm going back to your meeting with
19 Major Ecton or your kind of conversation with
20 him before Lieutenant Hill came into the PSB.
21 Was there any recommendation of other
22 lieutenants that you thought should be
23 considered for the position other than
24 Lieutenant Hill?

25 A. I'll start by saying that was

1 about five years ago, but as I recall, I
2 believe that Lieutenant Kenny Biehl, Lieutenant
3 Greg Gabby, I'm sure there were -- I'm sure
4 there was -- those are the two names that jump
5 out at me.

6 Q. Okay.

7 A. I think Lieutenant Henderson was a
8 topic of conversation, possibly Lieutenant
9 Stiver. I really -- it was a long time ago and
10 it was a very brief conversation.

11 Q. Yeah, that's what I'm thinking.
12 And so was there ever any conversation that you
13 had or that -- that you and Reboulet had with
14 any of these other potential people about
15 whether they'd be willing to come over to PSB?

16 A. No, I don't think so. I'm not
17 saying there wasn't, but I don't remember
18 anything specific. We were without a
19 lieutenant for so long -- I'll speak for
20 myself. I say we a lot. I'm sorry. I'll
21 speak for myself -- I'd almost given up.

22 Q. Okay.

23 A. So it was kind of quick when we
24 found out we were getting a lieutenant and at
25 that point it was just relief. We spent a long

1 time doing a lot of jobs.

2 Q. Okay. And so how did it go when
3 Lieutenant Hill first started? Did the issues
4 with her slow reporting that you talked about,
5 slow responses, start immediately? Did they
6 come sometime after she started?

7 MR. BAZELAK: Objection.

8 THE WITNESS: When Lieutenant Hill
9 was assigned there, we -- I -- I welcomed her. I
10 had no problem with anything, really, at that
11 point. As I said, the desire to have a lieutenant
12 overtook anything else but -- and I remember
13 sitting down with her the first day and going over
14 everything I thought she needed to know and
15 thinking, well, this is -- this is going to work
16 out, and then it was the very first investigation
17 that there was a little hiccup with and we worked
18 that out and I thought, okay, now we're on
19 track --

20 Q. Okay.

21 A. -- because she -- it was a
22 disciplinary time limit thing that was pretty
23 far behind and we got it worked out and we got
24 it in under the wire and we decided that, okay,
25 that was the first one and everything -- we'll

1 get it worked out, we'll get it sorted out and
2 everything will run smooth.

3 Q. Okay. Do you want to go back to
4 page seven there in that exhibit. It looks
5 like in the middle of the paragraph it goes
6 into bold print, the second to the bottom
7 paragraph. Maybe it's bold on my screen.
8 Okay. Here we go. Put a little blue mark
9 right there.

10 So the sentence before that blue
11 mark, we have said many times and told her
12 things were to be done, I don't have a problem
13 with her, I was in the military, but I don't
14 think she should be here. Do you recall saying
15 that?

16 A. I don't recall saying probably any
17 of this because this thing was so long ago.

18 Q. Okay.

19 A. But the fact is -- and the line
20 after that -- the line right after that says
21 but I had been hopeful, and I was.

22 Q. Okay. And then the next sentence
23 says her being here doesn't change the way I do
24 things.

25 A. That's -- okay, that's correct. I

1 mean, I -- if you're asking me if I said it, I
2 really don't know.

3 Q. Okay. But that's a correct
4 statement, her being there didn't change the
5 way you did things?

6 A. No.

7 Q. Next sentence, we have had
8 disagreements, we have had no communication.

9 A. And -- I'm sorry.

10 MR. BAZELAK: Just wait for a
11 question.

12 Q. Sure. Is that a correct
13 statement, that you had disagreements and no
14 communication with Lieutenant Hill?

15 A. This -- I think we have to
16 understand that this was done during the
17 interview at the point where we were so far
18 behind in cases that the frustration was
19 overwhelming. So that is -- that is -- I think
20 that is where this come from.

21 At that point there were many
22 times when -- when I talk about communication
23 where Lieutenant Hill would come in and you
24 would walk down the hall and meet her in the
25 hall and say good morning and she would not

1 acknowledge you were there, and this would go
2 on for a couple hours or whatever and just --
3 we didn't have the flow that we had in the
4 beginning because we -- we spoke a lot.

5 I mean, we had a lot of
6 conversations. We had good conversations. We
7 had conversations with cases. Nobody's ever
8 going to agree one hundred percent on cases.
9 That's why we have meetings every week. We
10 would have meetings with every investigator and
11 sergeant and lieutenant would sit down and hash
12 out what angles we were going to work the
13 investigation, who might be interviewed, who we
14 might not need to interview, and nobody ever
15 was a hundred percent on the same page. We had
16 disagreements.

17 Now, I never had -- her and I
18 never -- never -- in the five years or whatever
19 we were together over there, Lieutenant Hill
20 and I, I don't remember ever us actually having
21 an argument, if you will.

22 Q. Mm-hm.

23 A. But there were things with -- with
24 every case. I had the same disagreements with
25 Lieutenant Matt Carper. I had the same

1 disagreements with Lieutenant John Huber. I
2 guess I don't know if disagreements is the
3 correct term. You're working a case and
4 you're -- everyone is giving input and everyone
5 has different ideas and somebody's going to
6 say, boy, I don't -- I think you really should
7 interview that guy and somebody else go, I
8 don't -- I don't think it's relevant.

9 Those are the kind of things that
10 are hashed out in an update meeting. We've
11 had -- of course, we've had disagreements.

12 Q. Okay.

13 A. She's never going to agree with
14 everything that I say, I'm probably never going
15 to agree with everything she says, but you work
16 those things out and, usually, we did.

17 Q. Okay. So I think -- the sentence
18 she certainly accused us -- told us respect --
19 she won't even say good morning. I guess
20 that's what you're talking about, she wouldn't
21 say good morning to you?

22 A. Just little things like that,
23 things that you didn't expect that caught you
24 off guard.

25 Q. Okay.

1 A. Just the lack of acknowledging a
2 good morning.

3 Q. Okay.

4 A. Our communication is bad to
5 nonexistent?

6 Q. Do you remember saying that or is
7 that a correct statement during that time
8 frame, I guess, when you guys were having kind
9 of the height of the issues, I suppose?

10 A. I don't know that there was a
11 height of issues.

12 Q. Okay.

13 A. There were times -- and I guess
14 this wasn't -- if this is what I said, this was
15 not clear. There were times when we would go
16 days with absolutely no communication
17 whatsoever and then it would all just go back
18 to -- to regular business as usual. It was
19 just very bizarre.

20 Q. So our communication is bad to
21 nonexistent, I did not initiate this lack of
22 communication, she cannot speak to us at all.

23 A. A lot of times that was the case.

24 Q. No -- when I don't speak to her, I
25 don't speak to her either.

1 A. I don't really know what that
2 means.

3 Q. Okay. We went out of our way to
4 speak with you, I have talked to her when she
5 asked me just -- I have talked to her when she
6 asked me just yesterday. Go ahead.

7 A. No, I'm sorry.

8 Q. I was going to say just
9 yesterday -- this is October, 2016. So
10 yesterday would have been, I guess, October
11 3rd, 2016. You were still kind of business as
12 usual with Lieutenant Hill, at least, in your
13 opinion?

14 A. It was always business as usual,
15 just these -- just these times when things
16 would -- when things would go quiet. We kept
17 up -- you had to keep -- you have to keep
18 working. The work isn't going to stop, so
19 whatever's going on has to be secondary, you
20 have to do the work.

21 Q. It's business as usual, I have a
22 work relationship with the woman but that's
23 all.

24 MR. BAZELAK: Objection. Wait for a
25 question. She's just reading a statement.

1 THE WITNESS: All right.

2 MR. BAZELAK: And we need a question
3 and an answer so --

4 Q. Is there -- do you recall saying
5 that you have a working relationship but that's
6 all with Lieutenant Hill?

7 A. I mean, I don't.

8 (Thereupon, Plaintiff's Exhibit 3, a
9 copy of an e-mail, was marked for purposes of
10 identification.)

11 Q. Hand you what's been marked as
12 Exhibit 3. Give you a minute to read over it.

13 (Pause in proceedings.)

14 THE WITNESS: Okay.

15 Q. So Exhibit 3 I'll represent to you
16 is an e-mail that was provided to Lieutenant
17 Hill -- I only have one copy so -- from
18 Lieutenant Hill to Mark Ecton and copied to
19 Chief Biehl; correct?

20 A. Yes.

21 Q. Have you ever seen this e-mail
22 before?

23 A. No.

24 Q. And it's dated September 8th of
25 2015; is that correct?

1 A. That's what it says, yes, ma'am.

2 Q. So in this e-mail she refers to --
3 that she's been the PSB commander for two years
4 and most of that time she has experienced
5 vehement opposition, both inside the bureau and
6 outside the bureau, to practically everything
7 she's proposed. Do you recall her mentioning
8 to you that she felt like she was getting
9 opposition to any of the things that she was
10 proposing inside the PSB?

11 A. No.

12 Q. And after this e-mail, do you
13 recall there being any meetings between you and
14 Mark Ecton or with Chief Biehl about the
15 contents of this e-mail?

16 A. No. I remember occasional
17 meetings, regular -- we had one meeting with
18 the major, colonel and the chief, but I have
19 no -- no idea when it was. It wasn't in
20 relation to this --

21 Q. Okay.

22 A. -- I can tell you that. The one
23 meeting that I remember having had nothing to
24 do with this.

25 Q. Okay. And so Mark Ecton,

1 Lieutenant Colonel Ecton, retired. He never
2 spoke to you about phone calls or text messages
3 or conversations that he had with Lieutenant
4 Hill about her issue she was having within the
5 PSB?

6 A. No.

7 Q. Okay.

8 (Thereupon, an off-the-record
9 discussion was had.)

10 Q. Just let me review my notes real
11 quick and then, hopefully, we can wrap up.

12 A. Sure, sure.

13 MS. BROWN: Okay. I don't have any
14 other questions.

15 MR. BAZELAK: Okay. We'll read.

16 (Thereupon, the deposition was
17 concluded at 2:58 o'clock p.m.)

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1 I, ROBERT JOSEPH RIKE, do hereby certify
2 that the foregoing is a true and accurate
3 transcription of my testimony.

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Dated — — — — —

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25 Job: 190327SLK

1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, STACEY L. KIMMEL, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named ROBERT JOSEPH RIKE, was by me first
8 duly sworn to testify the truth, the whole truth
9 and nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

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25

1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and seal of office at Dayton, Ohio, on
3 this 10th day of April, 2019.



7 *Stacey L. Kimmel*
8 STACEY L. KIMMEL
9 NOTARY PUBLIC, STATE OF OHIO
10 My commission expires 6-10-2021

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April 10, 2019

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Re: *Hill, Kimberly v. City of Dayton Police Dept., et al.*

Dear Mr. Rike:

Enclosed is your transcribed deposition. The Rules of Civil Procedure allow ***thirty (30) days*** for you to read the transcript and return the signature page and corrections sheet to us.

If you have any corrections or changes to your transcript, please write them on the provided corrections sheet, including the appropriate page and line number from the transcript and any necessary explanation.

Please sign and date the signature page and return it with the corrections sheet in the enclosed envelope. We will forward these to the attorneys involved.

If you do not return the signature page within ***thirty (30) days***, a waiver of signature will be executed and the transcript may then be used as your sworn testimony.

Very truly yours,

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Courtney Elliott

cc: Leonard J. Bazalak, Esq.
Chanda L. Brown, Esq.